

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA DIVISION**

TENTATIVE RULINGS

EVENT DATE: 08/15/2014
JUDICIAL OFFICER: Tari Cody

EVENT TIME: 08:20:00 AM

DEPT.: 20

CASE NUM: 56-2014-00453806-CU-PA-VTA
CASE TITLE: LINDSAY VS. CHRISTIAN

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Auto

EVENT TYPE: Demurrer (CLM)
CAUSAL DOCUMENT/DATE FILED: Demurrer, 07/11/2014

No notice of intent to appear is required. If you wish to submit on the tentative decision, you may send a telefax to Judge Cody's secretary at 805-662-6712, stating that you submit on the tentative. Please include the hearing date, the case name and case number on your telefax. Do not call in lieu of sending a telefax, nor should you call to see if your telefax has been received. If you submit on the tentative without appearing and the opposing party appears, you run the inherent risk of the hearing being conducted in your absence.

The court's tentative ruling is as follows:

Defendants Drew Christian and Drew Christian Construction, Inc.'s demurrer to the second and third causes of action in the complaint is overruled. The fact that Plaintiff has chosen to allege negligence as a cause of action in various forms in his complaint does not mean there are insufficient facts to support the negligence claims pleaded. (See e.g., *Randi W. v. Muroc Joint Unified School Dist.* (1997) 14 Cal.4th 1066, 1086 (negligence per se pleaded as a separate "count").)

Absent waiver of notice and in the event an order is not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.